

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

CHARYSE M. MCMILLION,

Plaintiff,

v.

COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

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CASE NO. 1:20-cv02356

ORDER

[Resolving Doc. 32]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

After successfully helping Plaintiff Charyse McMillion appeal her denial of Social Security benefits, Plaintiff's counsel now seeks attorneys' fees under 42 U.S.C. § 406(b) for work performed on this case.<sup>1</sup> Specifically, Plaintiff's counsel seeks \$21,971.50 in contingent fees.<sup>2</sup> Together with the \$24,000 awarded for administrative-level services, Plaintiff's counsel's total fee would be \$45,971.50.<sup>3</sup>

Section 406(b) caps attorneys' fees at twenty-five percent of the past-due benefits.<sup>4</sup> Courts must review fee requests to make sure that the fees are reasonable.

Plaintiff's counsel's request for \$21,971.50 in contingent fees is reasonable. Plaintiff McMillion received a total of \$283,692 in past-due benefits: \$183,886 in primary benefits and \$99,806 for her children. Counsel's requested total fee—\$45,971.50—is a little over sixteen percent of Plaintiff's total benefits. And, Plaintiff McMillion and counsel signed a

<sup>1</sup> Doc. 32, PageID #: 1363. The Commissioner takes no position on Plaintiff's counsel's motion. Doc. 33, PageID #: 1380.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Hayes v. Sec'y of Health & Hum. Servs.*, 923 F.2d 418, 420–21 (6th Cir. 1990) (citation omitted).

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contingency fee agreement where McMillion agreed to pay twenty-five percent of her past-due benefits.<sup>5</sup>

For these reasons, the Court **GRANTS** the motion for attorneys' fees and awards \$21,971.50 to Plaintiff's counsel, on the condition that Plaintiff's counsel refunds to Plaintiff McMillion the \$6,250 in fees that the Court awarded under the Equal Access to Justice Act.

IT IS SO ORDERED.

Dated: July 2, 2024

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup> See *Lasley v. Comm'r of Soc. Sec.*, 771 F.3d 308, 309 (6th Cir. 2014).